

Types of decision-making responsibility:

1. Sole decision-making responsibility – one parent has the right to make all important decisions about the children without the consent or involvement of the other parent, unless the agreement or court order says something else.
2. Joint decision-making responsibility – both parents share the right to make important decisions about the children, and both parents stay involved in the decision-making.
3. De facto decision-making responsibility – One parent moves out and the parent that is still living with the children has automatic decision-making responsibility until a court decides who will permanently have decision-making responsibility. Having de facto decision-making responsibility means the other parent has accepted this arrangement. This is different from sole decision-making responsibility because there is no legal arrangement.

Parenting Time

What is parenting time?

- The time children spend with parents
- The child does not have to be physically in the presence of the parent. For example, if the parent has time with the child on a school day, the time the child spends in school falls within that parenting time. Parenting time also includes the right to make day-to-day decisions about the child while the child is with the parent, such as meals, bedtime, etc. The parent will have the right to know information about their child's well-being
- Parenting time can be determined by either a court order or an agreement between parents

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Types of parenting-time arrangements:

1. Shared parenting time – both parents share the amount of time spent with their child. This means the child spends at least 40% of the time with each parent.
2. Split parenting time – parents have more than one child and each parent spends the majority of time (over 60%) with at least one of the children.
3. Supervised parenting time – someone else must be present when a parent spends time with their children. This is usually when there are safety concerns during the visits.

If both parents agree on decision-making responsibility and parenting time arrangements, they can:

- Draft a parenting plan that outlines their informal agreement **OR**
- Include the parenting plan in their separation agreement that can be filed with the court **OR**
- Get a court order (if the court process has already begun)

If both parents do not agree on decision-making responsibility and parenting plan arrangements, they can:

- Go to court to resolve all of the outstanding issues in front of a judge. The judge will then issue a parenting order. This order will set out the decision-making responsibility or parenting time arrangements regarding a child.

When deciding who should have decision-making responsibility, and the time they will spend with each parent, the court will consider the child's best interests and will look at factors such as:

- The child's need for stability
- The child's relationship with each parent
- The history of care of the child
- The child's views and preferences
- The child's religion and culture
- Any family violence

Changing Decision-Making Responsibility and Parenting Time Arrangements

If the agreement was made privately between the parents:

- They can make a new agreement and agree that the old agreement is no longer valid.
- If they cannot agree on the changes, they can try to resolve it out of court through a dispute resolution method such as mediation, or they can go to court (if they have filed the agreement in court).